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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,604	12/29/2000	Thomas J. Foth	F-220	8551

919 7590 12/02/2004

PITNEY BOWES INC.
35 WATERVIEW DRIVE
P.O. BOX 3000
MSC 26-22
SHELTON, CT 06484-8000

EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,604

Applicant(s)

FOTH, THOMAS J.

Examiner

Emmanuel Coffy

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15 and 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to amendment received on August 23, 2004. Claims 8 and 16 were canceled. Claims 1-24 are pending examination.

Drawings

2. The drawings were received on August 23, 2004. These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9-15 and 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Swildens et al., U.S. Patent No. 6,484,143 (referred to hereafter as Swildens).

As to claims 1, 9, 17 and 24, Swildens teaches a method, device and system respectively for balancing the load of requests from a plurality of network devices for service from a selected one of a plurality of service providers, said devices and said service providers being interconnected by a network (see col. 2 lines 5-15), said method comprising the steps of:

a) in each of said devices, storing a location code indicative of geographic locations of said devices (see col. 15 lines 55-67 and col. 17 lines 20-45);

b) in each of said devices, storing a table relating geographic location codes and network addresses for said service providers (see col. 10 lines 37-65); and

c) said devices being programmed so that a requesting device initiates a request by:

c1) retrieving said location code for said requesting device (see col. 17 lines 32-55);

c2) accessing said table to retrieve a service provider address associated with a service provider location code closest to said retrieved location code; and c3) addressing said initiated request with said retrieved service provider address (see col. 10 lines 37-65).

accessing a seed system to download an updated table if said table becomes invalid (see col. 12 lines 20-30).

As to claims 2, 10 and 18, Swildens teaches the method, device and system of claims 1, 9 and 17 respectively wherein at least one of said network devices is a mailing device (see col. 17 lines 20-45).

As to claims 3, 11 and 19, Swildens teaches the method, device and system of claims 1, 9 and 17 respectively wherein at least an approximate distance between two

geographic locations can be calculated as a function of location codes corresponding to said two locations (see col. 11 lines 30-col. 12 lines 30).

As to claims 4, 12 and 20, Swildens teaches the method, device and system of claims 3, 11 and 19 respectively wherein said location codes are zip codes used by a postal service (see col. 17 lines 20-45).

As to claims 5, 13 and 21, Swildens teaches the method, device and system of claims 1, 9 and 17 respectively wherein a group of said service providers share a common location code and selected ones of those of said devices which are closest to said group address said initiated request to a primary service provider in said group; said method further comprising the step of: said selected devices addressing said initiated request to an alternate service provider in said group if they cannot log on to said primary service provider (see col. 10 lines 37-65 and col. 4 lines 62-col. 5 lines 16).

As to claims 6, 14 and 22, Swildens teaches the method, device and system of claims 5, 13 and 21 respectively further comprising the step of: said selected devices accessing said table to retrieve another service provider address associated with a service provider location code next closest to said retrieved location code if they cannot log on to said primary or said alternate service provider (see col. 10 lines 37-65 and col. 4 lines 62-col. 5 lines 16).

As to claims 7, 15 and 23, Swildens teaches the method, device and system of claims 1, 9 and 17 respectively further comprising the step of: said devices accessing said table to retrieve another service provider address associated with a service

provider location code next closest to said retrieved location code if they cannot log on to said service provider (see col. 10 lines 37-65 and col. 4 lines 62-col. 5 lines 16).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

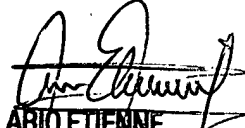
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy

Nov. 24, 2004


ARID ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100